



General Assembly

February Session, 2006

Raised Bill No. 341

LCO No. 1854

01854_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING OPERATOR'S LICENSES BEARING A
SCHOOL ENDORSEMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-44 of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) (1) No person shall operate a commercial motor vehicle used for
5 passenger transportation on any public highway of this state until [he]
6 such person has obtained a commercial driver's license with a
7 passenger endorsement from the commissioner, except a nonresident
8 who holds such license with such endorsement issued by another state.
9 (2) No person shall operate a school bus until [he] such person has
10 obtained a commercial driver's license with a school bus endorsement,
11 except that a person who holds such a license without such
12 endorsements may operate a school bus without passengers for the
13 purpose of road testing or moving the vehicle. (3) No person shall
14 operate a student transportation vehicle, as defined in section 14-212,
15 as amended, activity vehicle, camp vehicle, taxicab, motor vehicle in
16 livery service, motor bus or service bus until [he] such person has

17 obtained an operator's license bearing an endorsement of the
18 appropriate type from the commissioner issued in accordance with the
19 provisions of this section and section 14-36a, as amended.

20 (b) No operator's license bearing an endorsement shall be issued or
21 renewed in accordance with the provisions of this section or section 14-
22 36a, as amended, until the commissioner, or [his] the commissioner's
23 authorized representative, is satisfied that the applicant is a proper
24 person to receive such an operator's license bearing an endorsement,
25 holds a valid motor vehicle operator's license, or, if necessary for the
26 class of vehicle operated, a commercial driver's license and is at least
27 eighteen years of age. Each applicant for such a permit, an operator's
28 license bearing an endorsement or the renewal of such a license shall
29 furnish the commissioner, or [his] the commissioner's authorized
30 representative, with satisfactory evidence, which may be required to
31 be under oath, to prove that [he has] such person: Has no criminal
32 record, [that he] has not been convicted of a violation of subsection (a)
33 of section 14-227a, as amended, within five years of the date of
34 application and that no reason exists for a refusal to grant or renew
35 such an operator's license bearing an endorsement. Each applicant for
36 such an operator's license bearing an endorsement shall submit with
37 [his] the application proof satisfactory to the commissioner that [he]
38 such applicant has passed a physical examination [which has been
39 taken within] administered not more than ninety days prior to [his] the
40 date of application, and which is in compliance with safety regulations
41 established from time to time by the United States Department of
42 Transportation. Each applicant for renewal of such license shall
43 present evidence that such applicant is in compliance with the medical
44 qualifications established in 49 CFR 391, as amended. Each applicant
45 for such an operator's license bearing an endorsement shall be
46 fingerprinted before the license bearing an endorsement is issued.

47 (c) The commissioner may issue, withhold, renew, suspend, cancel
48 or revoke, any endorsement required to operate a motor vehicle that
49 transports passengers, as provided in subsection (c) of section 14-36a,

50 as amended. The commissioner may, in making [his] the decision,
51 consider the age, accident and criminal record, moral character and
52 physical condition of any such applicant or endorsement holder and
53 such other matters as the commissioner may determine. The
54 commissioner may require any such applicant or endorsement holder
55 to furnish the statements of two or more reputable citizens, which may
56 be required to be under oath, vouching for the good character or other
57 qualifications of the applicant or endorsement holder.

58 (d) Upon the arrest of any person who holds an operator's license
59 bearing a school endorsement charged with a felony or violation of
60 section 53a-73a, the arresting officer or department, within forty-eight
61 hours, shall cause a report of such arrest to be made to the
62 commissioner. The report shall be made on a form approved by the
63 commissioner containing such information as the commissioner
64 prescribes. The commissioner may adopt regulations, in accordance
65 with chapter 54, to implement the provisions of this subsection.

66 (e) Prior to issuing an operator's license bearing a school
67 endorsement, the commissioner shall require each applicant to submit
68 to state and national criminal history records checks, and a check of the
69 state child abuse registry established pursuant to section 17a-101k of
70 the 2006 supplement to the general statutes for perpetrator
71 information. The criminal history records checks required pursuant to
72 this subsection shall be conducted in accordance with section 29-17a₂,
73 as amended. If notice of a state criminal history record or notification
74 that the applicant is listed as a perpetrator of abuse on the state child
75 abuse registry established pursuant to said section 17a-101k is
76 received, the commissioner may refuse to issue an operator's license
77 bearing such endorsement and, in such case, shall immediately notify
78 the applicant, in writing, of such refusal. Subject to the provisions of
79 section 46a-80, if notice of a national criminal history record is
80 received, the commissioner may withdraw the operator's license
81 bearing a school endorsement immediately and, in such case, shall
82 immediately notify the holder of such license and the holder's

83 employer, in writing, of such withdrawal.

84 (f) Any applicant who is refused an operator's license bearing an
 85 endorsement or the renewal of such a license, or whose operator's
 86 license bearing an endorsement or the renewal of such a license is
 87 withdrawn or revoked on account of a criminal record or being
 88 identified as a perpetrator of abuse on the state child abuse registry
 89 established pursuant to said section 17a-101k, shall be entitled to a
 90 hearing if requested in writing within twenty days. The hearing shall
 91 be conducted in accordance with the requirements of chapter 54 and
 92 the applicant may appeal from the final decision rendered therein in
 93 accordance with section 4-183.

94 (g) Violation of any provision of this section shall be an infraction.

95 Sec. 2. Subsection (f) of section 17a-28 of the 2006 supplement to the
 96 general statutes is repealed and the following is substituted in lieu
 97 thereof (*Effective October 1, 2006*):

98 (f) The commissioner or the commissioner's designee shall, upon
 99 request, promptly provide copies of records, without the consent of a
 100 person, to (1) a law enforcement agency, (2) the Chief State's Attorney
 101 or the Chief State's Attorney's designee or a state's attorney for the
 102 judicial district in which the child resides or in which the alleged abuse
 103 or neglect occurred or the state's attorney's designee, for purposes of
 104 investigating or prosecuting an allegation of child abuse or neglect, (3)
 105 the attorney appointed to represent a child in any court in litigation
 106 affecting the best interests of the child, (4) a guardian ad litem
 107 appointed to represent a child in any court in litigation affecting the
 108 best interests of the child, (5) the Department of Public Health, which
 109 licenses any person to care for children for the purposes of
 110 determining suitability of such person for licensure, subject to the
 111 provisions of sections 17a-101g, as amended, and 17a-101k, of the 2006
 112 supplement to the general statutes, (6) the Department of Motor
 113 Vehicles in connection with the issuance of an operator's license
 114 bearing a school endorsement pursuant to section 14-44, as amended

115 by this act, [(6)] (7) any state agency which licenses such person to
116 educate or care for children pursuant to section 10-145b, as amended,
117 or 17a-101j, subject to the provisions of sections 17a-101g, as amended,
118 and 17a-101k, as amended, concerning nondisclosure of findings of
119 responsibility for abuse and neglect, [(7)] (8) the Governor, when
120 requested in writing, in the course of the Governor's official functions
121 or the Legislative Program Review and Investigations Committee, the
122 committee of the General Assembly on judiciary and the committee of
123 the General Assembly having cognizance of matters involving children
124 when requested in the course of such committees' official functions in
125 writing, and upon a majority vote of said committee, provided no
126 names or other identifying information shall be disclosed unless it is
127 essential to the legislative or gubernatorial purpose, [(8)] (9) a local or
128 regional board of education, provided the records are limited to
129 educational records created or obtained by the state or Connecticut-
130 Unified School District #2, established pursuant to section 17a-37, and
131 [(9)] (10) a party in a custody proceeding under section 17a-112 or 46b-
132 129, in the Superior Court where such records concern a child who is
133 the subject of the proceeding or the parent of such child. A disclosure
134 under this section shall be made of any part of a record, whether or not
135 created by the department, provided no confidential record of the
136 Superior Court shall be disclosed other than the petition and any
137 affidavits filed therewith in the superior court for juvenile matters,
138 except upon an order of a judge of the Superior Court for good cause
139 shown. The commissioner shall also disclose the name of any
140 individual who cooperates with an investigation of a report of child
141 abuse or neglect to such law enforcement agency or state's attorney for
142 purposes of investigating or prosecuting an allegation of child abuse or
143 neglect. The commissioner or the commissioner's designee shall, upon
144 request, subject to the provisions of sections 17a-101g, as amended,
145 and 17a-101k, as amended, promptly provide copies of records,
146 without the consent of the person, to (A) the Department of Public
147 Health for the purpose of determining the suitability of a person to
148 care for children in a facility licensed under sections 19a-77 to 19a-80,

149 inclusive, as amended, 19a-82 to 19a-87, inclusive, and 19a-87b, as
150 amended, and (B) the Department of Social Services for determining
151 the suitability of a person for any payment from the department for
152 providing child care.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	14-44
Sec. 2	October 1, 2006	17a-28(f)

Statement of Purpose:

To require the Commissioner of Motor Vehicles, prior to issuing or reissuing an operator's license bearing a school endorsement, to check the name of the applicant or current holder of such license against the state child abuse registry established pursuant to section 17a-101k.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]